

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
QUALITY INFUSION CARE, INC.	§	Bankruptcy Case No. 10-36675
	§	
Debtor.	§	
RANDY W. WILLIAMS,	§	
CHAPTER 7 TRUSTEE,	§	
Plaintiff,	§	Civil Case No. H-13-0421
	§	
vs.	§	
	§	
PATRICIA D. SALVATO, M.D. and	§	
DIVERSIFIED MEDICAL	§	
PRACTICE, P.A.,	§	
Defendants.	§	

**TRUSTEE’S RESPONSE TO (CORRECTED) DEFENDANT, DIVERSIFIED MEDICAL
PRACTICE, P.A.’S MOTION FOR PARTIAL SUMMARY JUDGMENT**
(Relates to Doc. Nos. 18 and 19)

Randy W. Williams, chapter 7 trustee (the “Trustee”) for the estate of Quality Infusion Care, Inc. (“QIC”), files this Response to the (Corrected) Defendant, Diversified Medical Practice, P.A.’s Motion for Partial Summary Judgment (Doc. Nos. 18 and 19).

BACKGROUND

1. In this adversary proceeding, the Trustee seeks to recover certain payments made by QIC to Diversified Medical Practice, P.A. (“Diversified”), which the Trustee alleges were fraudulent or preferential transfers pursuant to 11 U.S.C. §§ 544, 547, 548 and applicable state law. QIC entered into a Management Services Agreement with Diversified pursuant to which QIC managed the operations of Diversified. Diversified is the professional association through which defendant Patricia D. Salvato M.D. (“Salvato”) practices medicine. Therefore, as a practical matter, QIC was retained to manage Salvato’s practice.

2. On June 6, 2013, Diversified Medical Practice, P.A. ("DPM") filed a motion for partial summary as to \$1,124,961.81 of transfers identified in the Trustee's First Amended Complaint.

3. On June 21, 2013, the Trustee sent counsel for DPM a Second Amended Complaint which removes all allegations related to the payments identified in the Motion for Partial Summary Judgment. DPM had not yet responded with its consent to the filing of the Second Amended Complaint. In the event that DPM has not consented to the filing of the Second Amended Complaint by June 28, 2013, the Trustee will file a motion for leave to amend.

ARGUMENT

4. Because the Trustee seeks to remove the payments which are the subject of DPM's Motion for Partial Summary Judgment from his Second Amended Complaint, the Motion for Partial Summary Judgment should be denied as moot.

Dated: June 21, 2013.

Respectfully submitted,

Porter Hedges LLP

By: /s/ Joshua W. Wolfshohl
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Counsel for the Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was duly served by United States first class mail with proper postage affixed, to counsel for Leonard H. Simon, Pendergraft & Simon, LLP, The Riviana Building, 2777 Allen Parkway, Suite 800, Houston, TX 77019 and by electronic transmission to all registered ECF users appearing in this adversary on June 21, 2013.

/s/ Joshua W. Wolfshohl
Joshua W. Wolfshohl